

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-20 in the application, and previously canceled Claims 15-20. In the present response, the Applicants have amended Claims 1 and 8, as supported in paragraph [0032] of the Specification, for example. Accordingly, Claims 1-14 are currently pending in the application.

I. Rejection of Claims under 35 U.S.C. §102

The Examiner has rejected Claims 1-5, 8-9 and 12-14 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,744, 853 to Quek *et al.* ("Quek"). The Applicants respectfully disagree.

Claim 1 recites, among other things, simultaneously forming first electrodes adjacent each other on a substrate, the first electrodes comprising a metal and creating a second electrode comprising the metal between the first electrodes.

In contrast, Quek is directed to a three-dimensional polysilicon capacitor having capacitor whose electrodes are made of first and second polysilicon layers (Title and Abstract). While in some embodiments Quek's first polysilicon layer can be formed from a multi-coating stack of two polysilicon coatings separated by a metal silicide etch stop layer (Abstract), the Applicants find no teaching by Quek of a first electrode comprising a metal and a second electrode comprising the same metal.

Therefore, Quек does not disclose each and every element of the claimed invention and as such, is not an anticipating reference. Because Claims 2-5 are dependent upon Claim 1, Quек also cannot be an anticipating reference for Claims 2-5. Similar arguments apply to Claim 8, and its dependent Claims 9 and 12-14.

Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to these Claims.

II. Rejection of Claims under 35 U.S.C. §103

The Examiner has rejected Claims 6 and 10 under 35 U.S.C. §103(a) as being unpatentable over Quек in view of U.S. Patent No. 6,436,787 to Shih *et al.* ("Shih"). Claims 7 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Quек. Again, the Applicants respectfully disagree.

The Applicants respectfully maintain that the claimed invention is not obvious in view of the foregoing combined references, and that various combinations of these reference fail to establish a *prima facie* case of obviousness of Claims 6-7 and 10-11.

Regarding the rejections of Claims 6 and 10, the asserted combination of Quек and Shih fails to establish a *prima facie* case of obviousness because the asserted combination is improper. The combination of Quек and Shih is improper because a person having ordinary skill in the art would not be motivated to find or add to Quек the teachings or suggestions of Shih's barrier layers, because unlike Shih, Quек is not concerned with the diffusion of copper ions into a dielectric layer. Quек is not concerned with the diffusion of copper ions because, as pointed out above, Quек uses polysilicon-

based capacitor electrodes, not metal electrodes. The Applicant therefore respectfully traverse the Examiner's rejections of Claims 6 and 10 under 35 U.S.C. §103(a).

Regarding the rejections of Claims 7 and 11, Quek fails to establish a *prima facie* case of obviousness because Quek does not teach or suggest simultaneously forming first electrodes adjacent each other on a substrate, the first electrodes comprising a metal and creating a second electrode comprising the metal between the first electrodes, as recited in Claim 1, and similar form in Claim 8. Because Quek fails to teach or suggest all of the elements of the inventions of Claims 1 and 8, this reference also does not establish a *prima facie* case of obviousness of dependent Claims 7 and 11, which include the elements of their respective independent claims. The Applicant therefore respectfully traverse the Examiner's rejections of Claims 7 and 11 under 35 U.S.C. §103(a).

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 6-7 and 10-11 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection.

III. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a timely Notice of Allowance for Claims 1-14.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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